IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

Civil Application No. 4848 of 2005

In

First Appeal (St) No. 43660 of 2002.

The State of Maharashtra. ..Applicant

Vs.

Baliram Phakira Mohekar and Anr. ..Respondents.

Shri. S. N. Gawade i/b A.G.P. for Applicant.

Deepa Sawant i/b C.G. Gavnekar for Respondents.

CORAM: S.B.DESHMUKH,J.
DATED: 22ND AUGUST,2006.

P.C.:-

1] Heard the learned Counsel for the parties.

2] By this Application, the Applicant is seeking condonation of delay, about 102 days, occurred in filing the First Appeal in this Court.

3] The Respondents had filed an Application under Section 18 of the Land Acquisition Act

for enhancement of amount of compensation. Said Application was transferred to the learned District Judge, Raigad. The Application concerned was made over to the learned Civil Judge, Senior Division, Raigad which is partly allowed. It is, this Judgment and Award, passed by the learned Civil Judge, Senior Division, Raigad is assailed in this First Appeal. The Applicant has explained the delay in para nos. 2 and 3 of Civil Application. The proposal was forwarded by the learned District Government Pleader on 6th August, 2002 was examined by the Law and Judiciary Department and decision was taken, ultimately, on October,24th, 2002.

4] In para no.3 of the Civil Application, it is alleged that 33 days time was required to collect certified copies and making necessary arrangement for court fee stamp. Thereafter, this Appeal is filed in this Court. In the absence of any reply affidavit on behalf of the Respondent, there is no reason to disbelieve the statements made in para no. 2 and 3 of this Civil Application. Delay is properly explained and bona-fide.

5] In this view of the matter, Civil Application is allowed. Delay of 102 days, in filing this First Appeal St. No.43660/02 is condoned and Civil Application is accordingly allowed and disposed of.

[S.B.DESHMUKH,J.]